THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 3104 of 2002

Dated: 07.11.2007

Between:

R. Sanyasi Rao Alias Sanyasi
& others.

... Petitioners

AND

The Special Officer, (L.A.),
Steel Plant, Visakhapatnam
& others.

... Respondents

Counsel for the petitioners : Sri Shiva Prasad

Counsel for respondent Nos.3&4: Sri Gouri Shankar Sanghi
SC for S.E. Railways

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ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondents in evicting the petitioners from their respective houses situated in Sy.No.173, 174 and 175 of Venkatapuram Village, Kottapalam Post, Visakhapatnam, without allotting alternative house sites and providing rehabilitation cards, as arbitrary, illegal and violative of Article 21 of the Constitution of India. The petitioners also sought for a consequential direction not to evict them till they are allotted with house sites and provided with rehabilitation cards.

The averments contained in the affidavit filed in support of the writ petition show that the lands of an extent of Ac.0-81 cents in Sy.Nos.173, 174 and 175, wherein the petitioners were residing by raising tatched houses were acquired. Award No.1 of 1996 was passed on 15.04.1996. The petitioners averred in the affidavit that the persons, whose lands are acquired for the purpose of Visakhapatnam Steel Plant, are entitled for compensation, house sites and 'R' (Rehabilitation) cards to enable them to secure jobs in the steel plant. The grievance of the petitioners is that without providing house sites and 'R' cards they are sought to be dispossessed.

The Deputy Chief Engineer, Constructions, Visakhapatnam, East Coast Railway, filed a counter-affidavit on behalf of respondent Nos.3 and 4, wherein an objection is raised to the

maintainability of the writ petition on the ground that the petitioners failed to implead the Government or revenue authorities, who acquired the lands on the request made by respondent Nos.1 and 2. It is further stated that the East Coast Railways has nothing to do with the payment of compensation since it was entrusted with the task of laying railway only.

Heard Sri Shiva Prasad, learned counsel for the petitioner and Sri Gouri Shankar Sanghi, learned Standing Counsel for respondent Nos.3 and 4.

Though the petitioners asserted in the affidavit filed in support of the writ petition that they are entitled to house sites and 'R' cards besides compensation for acquisition of land in their occupation, no material has been placed by them to support the said contention. Under the provisions of the Land Acquisition Act, 1894 (for short, 'the Act') a person, whose land is acquired, is entitled to payment of compensation. The said Act does not envisage any other benefits such as house sites and 'R' cards. Unless the acquisition agency prepares a policy or scheme providing for additional benefits over and above what is envisaged in the provisions of the Act, a citizen cannot claim those additional benefits as of right. The petitioners failed to produce any material such as the scheme or policy under which the additional benefits of house sites and 'R' cards have been provided. Moreover, Rastriya Ispat Nigam Limited, which is running the Visakhapatnam Steel Plant, is not made a party to the writ petition, which is a proper and necessary party for the reason that the said company is the beneficiary of the land acquisition and it will be saddled with the liability in the event any relief is granted in favour of the petitioner.

For the aforementioned reasons, the writ petition is dismissed.

As a sequel to dismissal of the writ petition,

WPMP.No.3810 of 2002 filed by the petitioners for interim relief is also dismissed.

C.V. NAGARJUNA REDDY, J

Date: 07.11.2007
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